

02C01-2309-PL-000395

Allen Circuit Court

Filed: 9/18/2023 3:05 PM
Clerk
Allen County, Indiana
BB

STATE OF INDIANA)
)SS: IN THE ALLEN CIRCUIT COURT
COUNTY OF ALLEN) CAUSE NO.

ROBERT STRAHAN,)
 Plaintiff,)
)
VS.)
)
AMERICAN ELECTRIC POWER,)
 Defendant,)

Complaint for Damages

Plaintiff alleges:

1. Plaintiff, Robert Strahan (Strahan) is an adult Afro-American male, resident of Fort Wayne, Indiana and former employee of Defendant, American Electric Power.
2. Defendant, American Electric Power (AEP) is an electric power company that generates and provides electric power to Fort Wayne, Indiana and other states. It has an office at 3600 Landin Road, New Haven, Indiana where Strahan was employed. AEP is authorized to operate in Indiana and employs 1,000 employees or more each calendar year and employed Strahan.
3. Defendant AEP is engaged in interstate commerce and is headquartered at 1 Riverside Plaza, Columbus, OH 43215.
4. Strahan was a qualified Afro-American individual who has been employed

EXHIBIT B

as a contractor with AEP since April 5, 2022.

5. During Defendant's onboarding process, Strahan was asked for a photograph of himself. Said photograph had no relevance to the onboarding process.
6. Strahan alleges that other contractors (non Afro-American) outside of his race weren't asked to provide these photos.
7. On November 8, 2022, during Strahan's lunch break, a co-worker of Strahan, John Shube (white male) (Shube), stated "What's up chicken lips", a sexual and racial remark that made Strahan uncomfortable. Said comment has racial overtones.
8. Strahan reported that comment described here to his supervisor, Andrea Smith (white female).
9. Ms. Smith offered no assistance to Strahan at the time. Additionally, Ms. Smith did not take the comment seriously.
10. On November 9, 2022, Strahan was called by a representative Anna Smith (white female) (Smith) from Integrated Talent Strategies (ITS) and notified he had been suspended without pay for that workday and not to report to work because of the prior incident from the previous day.
11. Strahan alleges he was suspended because of his race and because Strahan reported the race and sexual harassment on November 8, 2022.
12. On January 24, 2023, Smith terminated Strahan from his employment.

13. Prior to termination, Strahan had never had any work performance issues or disciplinary actions.
 14. Strahan alleges he was terminated in retaliation for reporting the remake that Shube made and because of Strahan's race.
 15. Strahan alleges that he was discriminated against, harassed, and retaliated against based on his sex and race.
 16. This complaint is for violations of Title VII of the Civil Rights Act of 1964 as amended.
 17. Attached as Exhibits A and B are Strahan's charge of discrimination and amended charge of discrimination.
 18. Strahan's Notice of Right to Sue is attached as Exhibit C.
 19. This complaint is timely filed.
 20. As a direct result of the above described conduct, Strahan has suffered a loss of income and benefits, been subject to embarrassment, harassment, mental anguish, and stress and other injuries yet to be determined.
- WHEREFORE, Strahan seeks compensation damages, punitive damages and reasonable attorney's fees and all other just and proper relief.

JURY DEMAND

Strahan seeks a trial by jury in this cause, pursuant to Indiana Trial

Rules.

Respectfully submitted,

/s/ Samuel L. Bolinger

Samuel L. Bolinger, #10786-98

803 S. Calhoun St., Ste. 300

Fort Wayne, IN 46802

Tel: 260-407-0040

Fax: 260-407-0039

Email: mark@slbolingerlaw.com

Counsel for Plaintiff

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EEOC Form 5 (11/09)

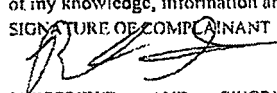



CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		Charge Presented To: EEOC FEPA	Agency(ies) Charge No(s): 240-2023-00140 EC-0046-A23
Fort Wayne Metropolitan Human Relations Commission and EEOC <i>State or local Agency, if any</i>			
Name (Indicate Mr., Ms., Mrs., Miss, Mx., Dr., Hon., Rev.) Robert Strahan		Home Phone (260) 210-2242	Year of Birth 1991
Street Address 8018 Queenboro Ct Fort Wayne, IN 46835			
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name American Electric Power		No. Employees, Members 15 - 100 Employees	Phone No.
Street Address 3600 Landin Rd. New Haven, IN 46774			
Name		No. Employees, Members	Phone No.
Street Address City, State and ZIP Code			
DISCRIMINATION BASED ON Race, Retaliation		DATE(S) DISCRIMINATION TOOK PLACE Earliest 04/05/2022 Latest 01/24/2023	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)): <p>I am a qualified black individual who has been employed as a contractor with American Electric Power (AEP) since April 5, 2022. During the onboarding process, I was asked for a photo of myself that had no relevance to the onboarding process. I do not believe other contractors outside of my race are asked to provide these photos.</p> <p>On November 8, 2022, during my lunch break co-worker John Shube (Shube) stated Whats up chicken lips to me; a sexual and racial remark that made me uncomfortable. I reported this remark to my supervisor, Andrea Smith. She offered no assistance to me at the time and did not take the comment seriously.</p> <p>On November 9, 2022, I was called by a representative Anna Smith from Integrated Talent Strategies (ITS) and told I had been suspended without pay for that workday and not to report to work because of the incident from the day prior. I believe I was suspended because of my race and because I reported race and sex harassment on November 8, 2022.</p>			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY - (When necessary for State and Local Agency Requirements)	
I declare under penalty of perjury that the above is true and correct.		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.	
02-20-2023 Date		SIGNATURE OF COMPLAINANT  SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)	
 Charging Party Signature		02-23-2023	

EXHIBIT A Page 1 of 3

EXHIBIT B

EEOC Form 5 (11/09)

<p align="center">CHARGE OF DISCRIMINATION</p> <p><small>This form is covered by the Privacy Act of 1974 in the manner set forth in the Statement and other information before completing this form.</small></p>	<p>Charge Presented To: EEOC Agency(ies) Charge No(s): 24D 2023 00110</p> <p>FEPA EC-0046-A23</p>
<p align="center">Fort Wayne Metropolitan Human Relations Commission and EEOC</p> <p align="center"><small>State or local Agency, if any</small></p>	
<p>On January 24, 2023, Andrea Smith terminated my employment. I have never had any work performance issues or disciplinary actions. I believe the termination was retaliation for reporting the remark that Shube made and because of my race.</p> <p>Because of these things, I believe I have been sexually and racially harassed, discriminated against based on my race, and retaliated against in violation of Title VII of the Civil Rights Act of 1964, as amended and Fort Wayne Ordinance G-21-78, as amended.</p>	

<p>I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.</p>	<p>NOTARY – <i>When necessary for State and Local Agency Requirements</i></p>
<p>I declare under penalty of perjury that the above is true and correct.</p> <p><u>02-23-2023</u>  <small>Date Charging Party Signature</small></p>	<p>I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.</p> <p>SIGNATURE OF COMPLAINANT  <u>02-23-2023</u></p> <p>SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE <small>(month, day, year)</small></p>

Page 2 of 3

EXHIBIT B

02C01-2309-PL-000395

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AMENDED CHARGE OF DISCRIMINATION		Charge Presented To:	Agency(ies) Charge No(s):
This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		EEOC	24D-2023-00140
		FEPA	EC-0046-A23
Fort Wayne Metropolitan Human Relations Commission			and EEOC
State or local Agency, if any			

Name (Indicate Mr., Ms., Mrs., Miss, Mx., Dr., Hon., Rev.)	Home Phone	Year of Birth				
Robert Strahan	(260) 210-2242	1991				
Street Address						
8018 Queenboro Ct Fort Wayne, IN 46835						
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)						
Name	No. Employees, Members	Phone No.				
American Electric Power	15 - 100 Employees					
Street Address						
3600 Landin Rd. New Haven, IN 46774						
Name	No. Employees, Members	Phone No.				
Street Address						
City, State and ZIP Code						
DISCRIMINATION BASED ON		DATE(S) DISCRIMINATION TOOK PLACE				
Race, Retaliation, Sex		<table border="0"> <tr> <td>Earliest</td> <td>Latest</td> </tr> <tr> <td>04/05/2022</td> <td>01/24/2023</td> </tr> </table>	Earliest	Latest	04/05/2022	01/24/2023
Earliest	Latest					
04/05/2022	01/24/2023					
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):						
<p>I am a qualified black individual who has been employed as a contractor with American Electric Power (AEP) since April 5, 2022. During the onboarding process, I was asked for a photo of myself that had no relevance to the onboarding process. I do not believe other contractors outside of my race are asked to provide these photos.</p> <p>On November 8, 2022, during my lunch break co-worker John Shube (Shube) stated Whats up chicken lips to me; a sexual and racial remark that made me uncomfortable. I reported this remark to my supervisor, Andrea Smith. She offered no assistance to me at the time and did not take the comment seriously.</p> <p>On November 9, 2022, I was called by a representative Anna Smith from Integrated Talent Strategies (ITS) and told I had been suspended without pay for that workday and not to report to work because of the incident from the day prior. I believe I was suspended because of my race and because I reported race and sex harassment on November 8, 2022.</p>						

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.	NOTARY - When necessary for State and Local Agency Requirements
I declare under penalty of perjury that the above is true and correct.	I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.
<div style="display: flex; justify-content: space-between;"> <div> <p>2-28-23</p> <p>Date</p> </div> <div> <p></p> <p>Charging Party Signature</p> </div> </div>	<p>SIGNATURE OF COMPLAINANT</p> <p>SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE</p> <p>(month, day, year)</p>

Page 1 of 3

EXHIBIT B

EXHIBIT B

EEOC Form 5 (11/09)

<p align="center">AMENDED CHARGE OF DISCRIMINATION</p> <p>This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</p>	<p>Charge Presented To: Agency(ies) Charge No(s):</p> <p align="center">EEOC 24D-2023-00140</p> <p align="center">FEPA EC-0046-A23</p>
<p align="center">Fort Wayne Metropolitan Human Relations Commission and EEOC</p> <p align="center"><i>State or local Agency, if any</i></p>	

On January 24, 2023, Andrea Smith terminated my employment. I have never had any work performance issues or disciplinary actions. I believe the termination was retaliation for reporting the remark that Shube made and because of my race.

Because of these things, I believe I have been sexually and racially harassed, discriminated against based on my race, and retaliated against in violation of Title VII of the Civil Rights Act of 1964, as amended and Fort Wayne Ordinance G-21-78, as amended.

***** Amended Charge (Date amended) *****


I am a qualified black, male who has been employed as a contractor with American Electric Power (AEP) since April 5, 2022. During the onboarding process, I was asked for a photo of myself that had no relevance to the onboarding process. I do not believe other contractors outside of my race are asked to provide these photos.

On November 8, 2022, during my lunch break co-worker John Shube (Shube) stated Whats up chicken lips to me; a sexual and racial remark that made me uncomfortable. I reported this remark to my supervisor, Andrea Smith. She offered no assistance to me at the time and did not take the comment seriously.

On November 9, 2022, I was called by a representative Anna Smith from Integrated Talent Strategies (ITS) and told I had been suspended without pay for that workday and not to report to work because of the incident from the day prior. I believe I was suspended because of my race and because I reported race and sex harassment on November 8, 2022.

On January 24, 2023, Andrea Smith terminated my employment. I have never had any work performance issues or disciplinary actions. I believe the termination was retaliation for reporting the remark that Shube made and because of my race.

Because of these things, I believe I have been discriminated, harassed and retaliated against based on my sex and race, in violation of Title VII of the Civil Rights Act of 1964.

<p>I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.</p>	<p>NOTARY – When necessary for State and Local Agency Requirements</p>
<p>I declare under penalty of perjury that the above is true and correct.</p> <p align="center">2-28-23 </p> <p>Date Charging Party Signature</p>	<p>I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.</p> <p>SIGNATURE OF COMPLAINANT</p> <p align="center">SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE</p> <p align="center">(month, day, year)</p>

Page 2 of 3

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U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Indianapolis District Office
101 West Ohio St. Suite 1900
Indianapolis, IN 46204
(463) 999-1240
Website: www.eeoc.gov

DETERMINATION AND NOTICE OF RIGHTS

(This Notice replaces EEOC FORMS 161, 161-A & 161-B)

Issued On: 06/30/2023

To: Robert Strahan
8018 Queenboro Ct.
Fort Wayne, IN 46835
Charge No: 24D-2023-00140

EEOC Representative and email: TIFFANY JOURDAN
Enforcement Supervisor
Tiffany.Jourdan@eeoc.gov

DETERMINATION OF CHARGE

The EEOC issues the following determination: The EEOC will not proceed further with its investigation and makes no determination about whether further investigation would establish violations of the statute. This does not mean the claims have no merit. This determination does not certify that the respondent is in compliance with the statutes. The EEOC makes no finding as to the merits of any other issues that might be construed as having been raised by this charge.

NOTICE OF YOUR RIGHT TO SUE

This is official notice from the EEOC of the dismissal of your charge and of your right to sue. If you choose to file a lawsuit against the respondent(s) on this charge under federal law in federal or state court, **your lawsuit must be filed WITHIN 90 DAYS of your receipt of this notice.** Receipt generally occurs on the date that you (or your representative) view this document. You should keep a record of the date you received this notice. Your right to sue based on this charge will be lost if you do not file a lawsuit in court within 90 days. (The time limit for filing a lawsuit based on a claim under state law may be different.)

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission,

Digitally Signed By: Michelle Eisele
06/30/2023

Michelle Eisele
District Director

EXHIBIT C

EXHIBIT B